# CLASSIFICATION OFFICE DECISION

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| **Title of publication:** | 2013-11-01 23.56.25-1.jpg |
| **Other known title(s):** | Not stated |
| **OFLC ref:** | 1600784.015 |
| **Medium:** | Computer Image File |
| **Publisher:** | Not stated |
| **Country of origin:** | Not stated |
| **Language:** | Not applicable |
| **Applicant:** | Secretary for Internal Affairs |
| **Classification:** | Objectionable. |
| **Descriptive note:** | None |
| **Display conditions:** | None |
| **Date of entry in Register:** | 02 December 2016 |
| **Date of direction to issue a label:** | No direction to issue a label has been issued |
| **Date of notice of decision:** | 02 December 2016 |

**Summary of reasons for decision:**

The computer image file is a photo of a naked boy that is reasonably capable of being regarded as sexual in nature under s3(1A) of the Films, Videos, and Publications Classification Act 1993. The image exploits the nudity of children or young persons to such a degree that its availability is likely to be injurious to the public good. An objectionable classification interferes with the right to freedom of expression as set out in s14 of the New Zealand Bill of Rights Act 1990. However, this is a reasonable limitation on the right to freedom of expression given the risk of injury to the public good from the availability of this image.